

NIKKI BOLLINGER GRAE, Individually and ) Civil Action No. 3:16-cv-02267  
on Behalf of All Others Similarly Situated, )  
 )  
Plaintiff, )  
 )  
vs. ) Magistrate Judge Jeffery Frensley  
 )  
CORRECTIONS CORPORATION OF )  
AMERICA, et al., )  
 )  
Defendants. )  
\_\_\_\_\_ )

1. I, Ryan Wynne, currently serve as the Acting Chief of the Privatized Corrections Contracting Section of the Federal Bureau of Prisons (“BOP”). I have worked for the BOP as a contracting officer since October, 2009.

2. As Acting Chief of Privatized Corrections Contracting (“PCC”), I oversee all BOP-related activities regarding the procurement, administration, and termination of the BOP’s adult male private contract facilities.

3. I have reviewed ECF 362-16, Source Selection Decision RFP-PCC-0022 (“SSD 0022”). Although this document relates to a procurement that resulted in an award in January of 2015, the information therein is still relevant to BOP’s procedures for competitive procurements today. Additionally, private detention facilities have a useful life expectancy that far exceeds six years and the technical, past performance, and pricing information for the facilities described in the Source Selection Decision could be relevant to both future BOP procurements and other government agency procurements involving private detention operations.

4. Regarding internal BOP source selection procedures, SSD-0022 contains Source

Selection Sensitive Information detailing BOP's procedures and internal processes for evaluating and selecting potential contractors under Federal Acquisition Regulation ("FAR") Part 15 competitive procedures. PCC has not released this document to the public and to do so would damage the BOP's ability to fairly and competitively procure both adult male private contract facilities and other similar services that are acquired utilizing competitive procedures under FAR Part 15. Specifically, if the details of BOP's source selection decision-making process were revealed, competitors could attempt to game the system by match their proposals to the source selection decision analysis in a way that would diminish the BOP's ability to receive impartial and fairly competed proposals.


5. Additionally, SSD-0022 contains detailed information concerning the technical offers and price of several unsuccessful proposals and it contains descriptions of nonpublic past performance information for several private detention facility vendors. Revealing nonpublic technical and pricing information of unsuccessful offerors places those offerors at an unfair disadvantage in not just future BOP procurements but any acquisitions where the detention facilities discussed in this document are competed. For example, armed with this knowledge, competitors could either make technical adjustments to their own facilities to better position themselves or they could use this knowledge of the described facilities' technical strengths and weaknesses to outmaneuver them from a pricing standpoint. Similarly, revealing a vendor's nonpublic past performance information would place it at a severe competitive disadvantage as it would enable other competitors to adjust their prices after taking those ratings into account during any future procurements where private detention facility past performance is relevant to the evaluation criteria.

6. I have also reviewed pages 41-51 of ECF 398-8, Deposition of Douglas M. Martz.

This document includes detailed descriptions of a private detention facility operator's Contractor Performance Assessment Reporting System ("CPARS") report. As the official source for past performance information, CPARS reports may be used to support future award decisions, are to be marked as source selection information, and may not be disclosed to the public. Disclosure of such information could cause harm both to the commercial interest of the Government and to the competitive position of the contractor being evaluated as well as impede the efficiency of Government operations. In this case, unsealing a private detention facility operator's CPARS information would place it at a competitive disadvantage with other vendors. Those vendors could use that information to adjust their own prices and outmaneuver it in future Government procurements involving private detention facilities. This would also negatively impact the in future procurements.

7. I have also reviewed ECF 400-17, Email Correspondence between Donna Mellendick and Cathy Scott. The document contains a Contract Facility Monitoring Report ("CFM Report") attached to the email correspondence that includes several references to Corrections Corporation of America's ("CCA") internal company policies. Although the policies themselves are not attached to the Contract Facility Monitoring Report, they are described in detail. PCC does not release private vendor policies as they may constitute confidential or proprietary trade secret information.

Executed this 4th day of February, 2021.

  
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Ryan M Wynne  
Acting Chief  
Federal Bureau of Prisons  
Privatized Corrections Contracting

### **CERTIFICATE OF SERVICE**

I hereby certify that on February 12, 2021, service of the foregoing document was made upon the following Filing Users through the Court's Electronic Filing System:

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